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**UNITED STATES DISTRICT COURT  
 DISTRICT OF NEVADA**

United States Of America,	)	Case No. 2:20-mj-00661-DJA
	)	
Plaintiff,	)	ORDER
	)	<u>To Continue Preliminary</u>
vs.	)	<u>Hearing</u>
	)	(Third Request)
ALEXANDER KOSTAN,	)	
	)	
Defendant.	)	

IT IS HEREBY STIPULATED AND AGREED, by and between Nicholas A Trutanich, United States Attorney; Lisa Cartier Giroux, Assistant United States Attorney; Kimberly Sokolich, Assistant United States Attorney, representing the United States of America and Robert Langord, Esq., counsel for defendant Alexander Kostan, that the preliminary hearing in the above captioned case, which is currently scheduled for December 28, 2020 at 4:00pm, be continued and reset to a date and time convenient to the Court, but no sooner than forty-five (45) days.

1. The government provided counsel for the defendant with limited Rule 16 Discovery.

1 Counsel for the defendant requests time to review the discovery and discuss it with his client  
2 prior to a preliminary hearing or indictment. Additionally, the parties are discussing a pre-  
3 indictment resolution that may resolve the matter without a preliminary hearing.

4 2. This continuance is not sought for purposes of delay, but to allow defense  
5 counsel an opportunity to review discovery with their client and prepare for the preliminary  
6 hearing.

7 3. The defendant is not detained and agrees to the continuance.

8 4. Both counsel for the defendant and counsel for the government agree to the  
9 continuance.

10 5. Federal Rule of Criminal Procedure 5.1(d) provides that a magistrate judge  
11 may extend the time limits in Rule 5.1(c) with the defendant's consent and upon a showing  
12 of good cause taking into account the public interest in the prompt disposition of criminal  
13 cases. Because the defendant requires time to review discovery with their client prior to the  
14 preliminary hearing, good cause exists to extend the time limits in Rule 5.1(c).

15 6. The time from December 28, 2020, to the new preliminary hearing date will  
16 be excludable under the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7)  
17 (A), which provides that the Court may exclude time arising from a continuance upon  
18 finding that the ends of justice served by granting the continuance outweigh the best interests  
19 of the defendant and the public in a speedy trial.

20 7. Denial of this request could result in a miscarriage of justice, and the ends of  
21 justice served by granting this request outweigh the best interest of the public and the  
22 defendants in a speedy trial.

1           8.       The additional time requested by this stipulation is excludable in computing  
2 the time within which the indictment must be filed pursuant to the Speedy Trial Act, Title  
3 18, United States Code, Section 3161(b), and considering the factors under Title 18, United  
4 States Code, Section 3161(h)(7)(A) and (B)(i) and (iv).

5           9.       This is the third request to continue the preliminary hearing.

6           DATED this   8   day of December, 2020.

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8 NICHOLAS A. TRUTANICH  
United States Attorney

/s/ Robert Langford  
ROBERT LANGFORD  
Counsel for Defendant Alexander Kostan

9 /s/ Lisa C. Cartier Giroux  
10 LISA C. CARTIER GIROUX  
Assistant United States Attorney

11 /s/ Kimberly Sokolich  
12 KIMBERLY SOKOLICH  
Assistant United States Attorney  
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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

United States Of America, ) Case No. Case No. 2:20-mj-00661-DJA  
)  
Plaintiff, )  
) **Findings and Order on Stipulation**  
vs. )  
)  
Alexander Kostan, )  
)  
Defendant. )

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Based on the pending Stipulation between the defense and the government, and good cause appearing therefore, the Court hereby finds that:

1. The government provided counsel for the defendant with limited Rule 16 Discovery. Counsel for the defendant requests time to review the discovery and discuss it with his client prior to a preliminary hearing or indictment.
2. To allow the defense time to review the discovery with their client prior to the preliminary hearing and with the defendant's consent, the preliminary hearing in this case should be continued for good cause.
3. The defendant is not detained and agrees to the continuance.
4. Both counsel for the defendant and counsel for the government agree to the continuance.
5. This continuance is not sought for purposes of delay, but to allow defense counsel an opportunity to review discovery with their client prior to a preliminary hearing or indictment.

1 6. Denial of this request could result in a miscarriage of justice, and the ends of justice  
2 served by granting this request outweigh the best interest of the public and the  
3 defendants in a speedy trial.

4 7. The additional time requested by this stipulation is excludable in computing the time  
5 within which the indictment must be filed pursuant to the Speedy Trial Act, Title 18,  
6 United States Code, Section 3161(b), and considering the factors under Title 18,  
7 United States Code, Section 3161(h)(7)(A) and (B)(i) and (iv).

8 THEREFORE, IT IS HEREBY ORDERED that the preliminary hearing in the  
9 above-captioned matters currently scheduled for December 28, 2020, at 4:00p.m., be  
10 vacated and continued to February 22, 2021, at 4:00 p.m. Courtroom 3A.

11 DATED this 9th day of December, 2020.

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14 \_\_\_\_\_  
15 THE HONORABLE DANIEL J. ALBREGTS  
16 United States Magistrate Judge  
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